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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,316	06/23/2006	Toshihiro Oki	292920US0PCT	9808
22850 7590 08/20/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER CHEUNG, WILLIAM K				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
08/20/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/584,316

Applicant(s)

OKI ET AL.

Examiner

WILLIAM K. CHEUNG

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the amendment filed April 27, 2009, new claims 9-15 have been added. Claims 1-15 are pending.
2. In view of the amendment filed April 27, 2009, the rejection of Claims 4 under 35 U.S.C. 112, second paragraph, is withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

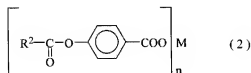
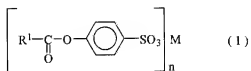
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Baeck et al. (EP 0 297 673) for the reasons adequately set forth from paragraph 4 of the office action of December 26, 2008, as affirmed by Jayawant (US 3,860,694).

Claim 1. (currently amended) A softening detergent composition comprising:

- (a) 1 to 30% by mass of a clay mineral;
- (b) 0.5 to 20% by mass of a ~~compound capable of releasing hydrogen peroxide in water~~ sodium carbonate-hydrogen peroxide adduct;
- (c) 0.1 to 20% by mass of a compound represented by the following general formula (1) or (2):



wherein R¹ is an alkyl group having 4 to 13 carbon atoms; R² is an alkyl group having 5 to 13 carbon atoms; M is a hydrogen atom, or an alkali metal atom, an alkaline earth metal atom, an ammonium or an alkanolamine, with proviso that when M is an alkaline earth metal atom, n is 2, and that when M is an alkali metal atom, an ammonium or an alkanolamine, n is 1, or a combination of both; and

wherein a mass ratio of the component (b) to the component (c) [component (b)/component (c)] is from 3/4 to 20/1.

(d) 0.4 to 20 wt. % of a salt of a fatty acid; and

10 to 60% by mass of a component corresponding to a surfactant as prescribed in

JIS K 3362:1998,

wherein a mass ratio of the component (b) to the component (c) [component

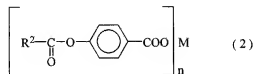
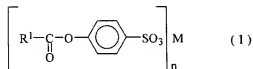
(b)/component (c)] is from 3/4 to 20/1.

6. (currently amended) A method of enhancing softening effect of a clay mineral against a fibrous manufactured article, comprising the step of applying to the fibrous manufactured article,

(a) a clay mineral;

(b) ~~a sodium carbonate-hydrogen peroxide adduct~~ ~~a compound capable of releasing hydrogen peroxide in water~~; and

(c) a compound represented by the following general formula (1) or (2):



wherein R¹ is an alkyl group having 4 to 13 carbon atoms; R² is an alkyl group having 5 to 13 carbon atoms; M is a hydrogen atom, or an alkali metal atom, an alkaline earth

metal atom, an ammonium or an alkanolamine, with proviso that when M is an alkaline earth metal atom, n is 2, and that when M is an alkali metal atom, an ammonium or an alkanolamine, n is 1,
or a combination of both; and
(d) a salt of a fatty acid,
in mass ratios satisfying:
the component (b)/the component (c) = 3/4 to 20/1, and
the component (a)/the component (c) = 35/1 to 1/5.

Baeck et al. (page 7-8, Table, Composition II) disclose a composition that meets all the features of claims 1-8. Regarding claims 6-8, Baeck et al. (abstract) clearly teach using the disclosed composition as a fabric softening materials. Applicants must recognize that fabrics are inherently fibrous materials. Regarding the "coated granule" feature of claim 13, applicants must recognize that Baeck et al. (page 8, Table) clearly disclose the use of sodium sulfate and Hectorite clay in the amount as required by the claims. Since Baeck et al. have taught the composition as claimed, the examiner has a reasonable basis to believe that the claim 13 has been met by Baeck et al. Applicants must recognize that the claimed invention relates to "a composition", where the coating itself carries very little weight in the patentability of the claimed invention.

Regarding the claimed "water" and the amounts, Baeck et al. (page 10, Table) clearly disclose composition having the amount of water as claimed.

Regarding the claimed "sodium carbonate-hydrogen peroxide adduct", Baeck et al. (page 4, line 39-41) disclose it is suitable to include alkali-metal percarbonate into the disclosed composition. Further, Baeck et al. (page 4, line 42) clearly indicate that

sodium is the alkali-metal. Since sodium percarbonate is basically same as (or considered as) an adduct of sodium carbonate-hydrogen peroxide which is affirmed by Jayawant, the examiner has a reasonable basis to believe that the claimed "sodium carbonate-hydrogen peroxide adduct" has been met by Baeck et al. Claims 1-15 are anticipated.

Applicant's arguments filed April 27, 2009 have been fully considered but they are not persuasive. Applicants argue that Baeck et al. are silent on the "sodium carbonate-hydrogen peroxide adduct" being claimed. However, Baeck et al. (page 4, line 42) clearly indicate that sodium is the alkali-metal. Since sodium percarbonate is basically same as (or considered as) an adduct of sodium carbonate-hydrogen peroxide which is affirmed by Jayawant, the examiner has a reasonable basis to believe that the claimed "sodium carbonate-hydrogen peroxide adduct" has been met by Baeck et al. Regarding the argued unexpected results filed in the Affidavits of April 27, 2009, applicants must recognize that unexpected results can not overcome an anticipation rejection.

5. Claims 1, 2, 5, 6, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker et al. (US 2002/0128165) for the reasons adequately set forth from paragraph 5 of the office action of December 26, 2008, as affirmed by Jayawant (US 3,860,694).

Baker et al. (page 11-13, Composition I) disclose a composition that meets all the features of claims 1, 2, 5, 6, 7. Regarding the method of claims 6, 7, Baker et al. (page 1, 0014) clearly teach using the disclosed composition for use in automatic laundry or

for washing fabrics which are inherently fibrous materials. Claims 1, 2, 5, 6, 7 are anticipated.

Regarding the claimed "sodium carbonate-hydrogen peroxide adduct", Baker et al. (page 3, 0051) disclose it is suitable to include alkali-metal percarbonate into the disclosed composition. Further, Baker et al. (page 3, 0051) clearly indicate that sodium is the alkali-metal. Since sodium percarbonate is basically same as (or considered as) an adduct of sodium carbonate-hydrogen peroxide which is affirmed by Jayawant, the examiner has a reasonable basis to believe that the claimed "sodium carbonate-hydrogen peroxide adduct" has been met by Baker et al. Claims 1, 2, 5, 6, 7 are anticipated.

Applicant's arguments filed April 27, 2009 have been fully considered but they are not persuasive. Applicants argue that Baker et al. are silent on the "sodium carbonate-hydrogen peroxide adduct" being claimed. However, Baker et al. (page 3, 0051) clearly indicate that sodium is the alkali-metal. Since sodium percarbonate is basically same as (or considered as) an adduct of sodium carbonate-hydrogen peroxide which is affirmed by Jayawant, the examiner has a reasonable basis to believe that the claimed "sodium carbonate-hydrogen peroxide adduct" has been met by Baker et al. Regarding the argued unexpected results filed in the Affidavits of April 27, 2009, applicants must recognize that unexpected results can not overcome an anticipation rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **WILLIAM K. CHEUNG** whose telephone number is (571)272-1097. The examiner can normally be reached on Monday-Friday 9:00AM to 2:00PM; 4:00PM to 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David WU can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William K Cheung/
Primary Examiner, Art Unit 1796

William K. Cheung, Ph. D.
Primary Examiner
August 17, 2009